

Chicago Jury: Slice of Middle America

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CHICAGO, Feb. 16—The Chicago conspiracy trial jury, which deliberated through a third day without reaching a verdict today, is a conventional slice of Middle America far removed from the world of the seven men whose fates they are determining.

There are two blacks and two with East European origins. Five are housewives. There is a computer operator, a transit company worker, a cafeteria night manager, a nurse's aide, a widow, and an unemployed housepainter.

Respectably dressed in conventional suits and dresses, they appear in stark contrast to the defendants, most of whom have advanced college degrees, wear their hair long, and cultivate a style of radical dis-

regard for middle-class proprieties.

"They're worried about our decorum," one of the defendants, Rennie Davis, observed in the courtroom two days before he was sentenced to jail for contempt of court by Judge Julius J. Hoffman.

"They figure we're no angels. But I think there may be five or six favorable to us."

That is a considerably more optimistic estimate than Davis' co-defendants have expressed. They have said they thought two jurors had shown signs of friendliness.

One is a housewife who once was observed carrying a book written by James Baldwin, the Negro author. That was interpreted as a sign she had some familiarity with unconventional language and behavior.

Furthermore, the woman's daughter was quoted as saying at a recent college meeting that her mother had told her the government had not proved a case against the defendants.

The other supposedly favorable juror is a 23-year-old woman computer operator who occasionally seemed amused by the defendants' unruly behavior and who is closest in age to their generation.

The defendants privately have staked their hope on the thought that those two women would hold out for a hung jury, assuming the others are hostile.

The 10 women and two men have been sequestered since Sept. 30, six days after the trial began, and lodged at the nearby Palmer House Hotel. The judge ordered the jurors confined after two had been sent letters

containing an ominous message signed "The Black Panthers." At that time, Black Panther leader Bobby G. Seale was a defendant.

The jurors have seen no newspapers or television since the trial started and have been permitted only occasional visits with members of their families while federal marshals stood by. Pinochle, it is reported, is their favorite evening pastime.

Both the defense and prosecution have made courtroom appeals to what they see as special interests of the jurors. Defense lawyers have shown they are aware of the black jurors with occasional references to the Rev. Martin Luther King Jr. and by putting on the witness stand such prominent Negroes as Dick Gregory and Julian Bond.

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U.S. Attorney Thomas Foran, in his summation for the prosecution, spoke disparagingly of "intellectuals" who, he said, frequently lack a special facet of intelligence which he called the "human instinct."

In his final instructions to the jury, Judge Hoffman purposely ordered it to disregard the defendants' unconventional appearance.

The jurors, he said, were not to be "influenced by any possible antagonism you have toward the defendants' dress, hair style, or life style, or their political philosophies."

With the jury unable to reach a verdict in three days of deliberation, the defense's hopes rose moderately. The length of time is taken as a sign that the time of a swift, unanimous vote of conviction has passed.

"I thought they would come in with a verdict yesterday," defense lawyer Wil-

liam M. Kunstler said today.

The jurors quit their deliberations at 5:20 p.m. today and were expected to resume about 9:30 a.m. Tuesday. On Saturday and Sunday they had returned after dinner to hold evening deliberations.

If the jury stays out for a long time, or reports it cannot reach a decision, a controversial question will arise over the judge's response.

He could declare a hung jury. Or he could send them back for more deliberations under what is known in this judicial circuit as the "Allen charge." That is an additional instruction intended to attempt to force the jurors to reach a verdict.

Kunstler today referred to

such a procedure as "judicial pressure" and made clear he would argue that it is unconstitutional.

Judge Hoffman has used the charge in some previous cases. Last week he told reporters he had not decided whether to use it in this case.

According to Jonathan Waltz, a Northwestern University law professor, the U.S. Seventh Circuit Court of Appeals does not look favorably on the use of the "Allen charge."